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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 **WILLIE BRANNER, aka JAMES WILLIS**  
12 **JOHNSON,**

13 Petitioner,

14 v.

15 **Robert L. AYERS, Warden of California State**  
16 **Prison at San Quentin,**

17 Respondent.

**CAPITAL CASE**

C-90-3219-DLJ

**ORDER GRANTING  
RESPONDENT'S EX PARTE  
APPLICATION FOR A NINTH  
ENLARGEMENT OF TIME TO  
FILE AN UPDATED MOTION TO  
DISMISS BASED ON THE AEDPA  
STATUTE OF LIMITATIONS, 28  
U.S.C. § 2244(d)**

18  
19 Having considered Respondent's Ex Parte Application For A Ninth Enlargement Of Time  
20 To File An Updated Motion To Dismiss Based On the AEDPA Statute Of Limitations, 28 U.S.C.  
21 § 2244(d), and GOOD CAUSE APPEARING,

22 IT IS HEREBY ORDERED as follows:

23 1. Respondent's Ex Parte Application For A Ninth Enlargement Of Time To File An  
24 Updated Motion To Dismiss Based On The AEDPA Statute Of Limitations, 28 U.S.C. § 2244(d)  
25 is GRANTED.


26 2. Time shall enlarge by 60 days, and Respondent shall file and serve his Updated Motion  
27 on or before October 28, 2008. Petitioner shall file an opposition within 45 days of the date of  
28 service of Respondent's motion. Respondent shall file a reply within 30 days of the date of service

*Branner v. Ayers* - [Proposed] Order Granting Resp. Ex Parte Appl. for a Ninth Enlargement of Time -  
C-90-3219-DLJ

1 of Petitioner's opposition.

2 3. The Court shall set a hearing date if necessary.

3 DATED: **September 2, 2008**

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6 D. LOWELL JENSEN, Judge  
7 United States District Court  
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